

REMARKS

The Office Action dated October 27, 2003 has been reviewed and the Examiners comments carefully considered. Claims 1-6, 9 and 10 are amended. Claim 15 is added. Thus, claims 1-15 are pending and submitted for consideration.

Objections to the Drawings

Fig. 6(b) is objected to for having a lead line without a corresponding reference numeral. Applicants have examined Fig. 6(b), as published by the PTO, and have failed to identify any such discrepancy. Further clarification is respectfully requested.

35 U.S.C. § 112 Rejections

Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Amendments to the claims have been made where appropriate. Reconsideration and withdrawal of the rejections are respectfully requested.

Prior Art Rejections

Claims 1, 3, 7-10, and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,237,690 (Tsuge). Claims 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuge in view of DE 3717117. Claims 2 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,411,291 (Föhl). Also, claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuge in view of U.S. Patent No. 5,908,222 (Wier). Claims 1 and 10 are the sole independent claims and are addressed in turn below.

Claim 1

The rejection should be withdrawn because Tsuge fails to disclose, teach or suggest the claimed invention. For example, Tsuge fails to disclose, teach or suggest a pretensioner including a bent tubular member "having an approximately constant inner diameter" as called for in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-9 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein. These patentable limitations include, for example, the limitations contained in claims 2 and 4-6. With regard to these claims, the Examiner states that it would have been obvious to change the shape of the tubular member in order to provide "a variety of orientations in the confined

space of the vehicle.” (Office Action at p. 5). However, there is no evidence in the record that the pretensioner should be modified to accommodate “confined space in a vehicle.” The evidence in the prior art is to the contrary. DE 3718117 discloses a much larger arrangement for the gas generator and piston. Thus, the prior art teaches that such an arrangement is not problematic. The only evidence that space may be a problem with regard to pretensioners is contained in the Applicants specification at paragraph [0008]. Of course, any reliance on the Applicants disclosure would constitute impermissible hindsight reasoning. Reconsideration and withdrawal of the rejections of claims 2-9 is respectfully requested.

Claim 10

The rejection of claim 10 should be withdrawn, because Fluge fails to disclose, teach or suggest a pretensioner including a piston connected to a “wire.” Instead, Fluge discloses a bar 5. A bar is a usually “rigid” piece that is normally used as a support. A wire, on the other hand, is flexible. Thus, Fluge does not anticipate claim 10. Reconsideration and withdrawal of the rejection is respectfully requested.

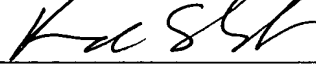
Claims 11-15 depend from claim 10 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would expedite allowance of the application.

Respectfully submitted,

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By: 

FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370

SHOULD ADDITIONAL FEES BE NECESSARY IN CONNECTION WITH THE FILING OF THIS PAPER, OF IF A PETITION FOR EXTENSION OF TIME IS REQUIRED FOR TIMELY ACCEPTANCE OF SAME, THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE DEPOSIT ACCOUNT NO. 19-0741 FOR ANY SUCH FEES; AND APPLICANT(S) HEREBY PETITION FOR ANY NEEDED EXTENSION OF TIME.
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